



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 02/09/2023

Littler Mendelson, P.C.
900 Third Avenue
New York, NY 10022-3298

Eli Z. Freedberg
212.583.2685 direct
212.583.9600 main
212.954.5011 fax
efreedberg@littler.com

February 8, 2023

VIA ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Chicas, et al. v. Kelco Construction, Inc., et al.*
21-cv-09014-PAE-SDA

Dear Judge Aaron:

Our firm represents Defendants Kelco Construction, Inc., E.L.M. General Construction Corp., John Kelly, and Joseph Provenzano (collectively, “Defendants”). The parties are submitting this joint letter to the Court to request an adjournment of discovery and motion deadlines in this action. Both parties require additional time to obtain information and documents responsive to the discovery requests to proceed in this litigation in a meaningful and efficient manner. In addition, discovery, motion practice on Plaintiffs’ Motion for Conditional Certification, and motion practice on Defendants’ motion to dismiss are all occurring contemporaneously.

After conferring with Plaintiffs’ counsel, the parties would like to respectfully request for Your Honor to review and approve the following proposed deadlines:

- Plaintiffs’ Responses and Objections to Defendants’ First Set of Interrogatories and First Set of Document Requests will be served on Defendants by February 20, 2023 (originally due January 26, 2023);
- Defendants’ Responses and Objections to Plaintiffs’ First Set of Interrogatories and First Set of Document Requests will be served on Plaintiffs by February 24, 2023 (originally due February 6, 2023);

The Honorable Stewart D. Aaron
February 8, 2023
Page 2

- Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Conditional Certification of the FLSA Collective will be filed by February 13, 2023 (originally due February 6, 2023);
- Plaintiffs' Opposition to Defendants' Motion to Dismiss Plaintiffs' Complaint will be due February 20, 2023 (originally due February 3, 2023);
- Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss Complaint will be due March 1, 2023 (originally due February 10, 2023).

As a result of the proposed adjournment of written discovery deadlines, the parties request that Your Honor permit the parties to file the joint status letter regarding the discovery status by March 3, 2023. Per Your Honor's December 12, 2022 Order (ECF No. 57), the joint status letter concerning the status of discovery was originally due to the Court by February 15, 2023.

We thank you for your attention to this matter.

Sincerely,

/s/ Eli Z. Freedberg

Eli Z. Freedberg
Shareholder

EZF

ENDORSEMENT: Application GRANTED. SO ORDERED.
Dated: February 9, 2023

Stewart D. Aaron